IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWELFTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 8048 of 2005

Between:

P. Naga Malleswara Rao S/o Venkateswarlu
Potharalanka Village, Kolluru Mandalam, Guntur District.

..... PETITIONER

AND

1 The District Panchayat Officer, Guntur, Guntur District.
2 The Divisional Panchayat Officer, Tenali Guntur District.
3 The Extension Officer (PR &RD), Kolluru, Kolluru Mandalam,
Guntur District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue any order or direction or a Writ more particularly a Writ in the nature of Writ of mandamus directing the respondents herein not to implement the proceedings Roc. No. 6983/2004-G1 dated 4-11-2004 issued by the 1st 'Respondent herein to set a side the same by declaring the proceedings dated 4-11-2004 as illegal, void and without jurisdiction.

Counsel for the Petitioner:MR.G.DHARMA RAO

Counsel for the Respondent Nos.1 to 3: MR.DANTU.SRINIVAS

The Court, at the stage of admission, made the following :

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ORDER:

This writ petition is filed aggrieved by the order dated 04.11.2004 passed by the first respondent-District Panchayat Officer, Guntur.

Under the impugned order dated 04.11.2004, the first respondent, having initiated proceedings under Rule 42 of the Rules made under G.O.Ms.No.30 (PR & RD & R) dated 20.01.1995 and having called upon the petitioner to submit his explanation to the allegations specified, further ordered that the petitioner shall not to draw the general funds and other funds till the enquiry is completed and final orders are passed.

Since apparently the impugned order prohibiting the petitioner from drawing the funds is only by way of an interim measure till the disposal of the enquiry initiated under Rule 42(1) of the Rules, I do not see any justifiable reason to interfere with the same in exercise of jurisdiction under Article 226 of the Constitution of India. However, as rightly contended by the learned counsel for the petitioner, the respondents are not justified in keeping the enquiry initiated against the petitioner pending since November, 2004.

Accordingly, the writ petition is disposed of with a direction to the respondents to complete the enquiry initiated against the petitioner and to pass appropriate orders in accordance with law, as expeditiously as possible, preferably within a period of four weeks from the date of receipt of this order. No costs.

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12.04.2005

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To

1 The District Panchayat Officer, Guntur, Guntur District.
2 The Divisional Panchayat Officer, Tenali Guntur District.
3 The Extension Officer (PR &RD), Kolluru, Kolluru Mandalam, Guntur District.

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